

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 12-2056

Ronald C. Tussey; Charles E. Fisher; Timothy Pinnell

Plaintiffs - Appellees

v.

ABB, Inc.; John W. Cutler, Jr.; Pension Review Committee of ABB, Inc.; Pension & Thrift
Management Group of ABB, Inc.; Employee Benefits Committee of ABB, Inc.

Defendants - Appellants

Fidelity Management Trust Company; Fidelity Management & Research Company

Defendants

Securities Industry and Financial Markets Association

Amicus on Behalf of Appellant(s)

AARP; Barbara Jean Black

Amici on Behalf of Appellee(s)

Thomas E. Perez, Secretary of the United States Department of Labor

Amicus Curiae

Tamar Frankel; David Webber

Amici on Behalf of Appellee(s)

No: 12-2060

Ronald C. Tussey; Charles E. Fisher; Timothy Pinnell

Plaintiffs - Appellees

v.

ABB, Inc.; John W. Cutler, Jr.; Pension Review Committee of ABB, Inc.; Pension & Thrift
Management Group of ABB, Inc.; Employee Benefits Committee of ABB, Inc.

Defendants

Fidelity Management Trust Company; Fidelity Management & Research Company

Defendants - Appellants

AARP; Barbara Jean Black; Tamar Frankel; David Webber

Amici on Behalf of Appellee(s)

No: 12-3794

Ronald C. Tussey; Charles E. Fisher; Timothy Pinnell

Plaintiffs - Appellees

v.

ABB, Inc.; John W. Cutler, Jr.; Pension Review Committee of ABB, Inc.; Pension & Thrift
Management Group of ABB, Inc.; Employee Benefits Committee of ABB, Inc.

Defendants

Fidelity Management Trust Company; Fidelity Management & Research Company

Defendants - Appellants

AARP; Barbara Jean Black; Tamar Frankel; David Webber

Amici on Behalf of Appellee(s)

No: 12-3875

Ronald C. Tussey; Charles E. Fisher; Timothy Pinnell

Plaintiffs - Appellees

v.

ABB, Inc.; John W. Cutler, Jr.; Pension Review Committee of ABB, Inc.; Pension & Thrift
Management Group of ABB, Inc.; Employee Benefits Committee of ABB, Inc.

Defendants - Appellants

Fidelity Management Trust Company; Fidelity Management & Research Company

Defendants

AARP

Amicus on Behalf of Appellee(s)

Thomas E. Perez, Secretary of the United States Department of Labor

Amicus Curiae

Barbara Jean Black; Tamar Frankel; David Webber

Amici on Behalf of Appellee(s)

Appeal from U.S. District Court for the Western District of Missouri - Jefferson City
(2:06-cv-04305-NKL)
(2:06-cv-04305-NKL)
(2:06-cv-04305-NKL)

JUDGMENT

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is vacated and the cause is remanded to the district court for proceedings consistent with the opinion of this court.

March 19, 2014

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans